

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

(13)

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-20641-01

TORIANO ADAMS,

Defendant.

MOTION FOR RELIEF FROM A JUDGMENT AND ORDER
UNDER RULE 60(a) - CORRECTION BASED ON OVERSIGHT

This Honorable Court may correct an oversight whenever one is found in a Judgment, Order, or other part of the Record.

Mr. Adams, proceeding pro se, is seeking to correct his sentence Judgment and Orders to reflect credit for the time Mr. Adams served on home incarceration where he was confined to a small space with only truly necessary trips to the outside world. He was under surveillance on a constant basis, 24 hours a day, seven days a week, by Department of Justice contracted officials pursuant to this Court's order (see Attachment A, order setting conditions of pre-trial release). The Order states that Mr. Adams must be placed on Home "Incarceration" (Page 3 of 4, paragraph iii states "you are restricted to 24 hours-a-day lockdown except for medical necessities and court appearances, or activities specifically approved by the Court" (with 24 hours, seven days a week GPS monitoring)).

According to the Honorable Justice Stevens, in his dissenting opinion in Reno v. Koray, 115 S.Ct. 2021, 132 L.Ed.2d 46, 515 U.S. 50, "such confinement and restrictions equate to official detention within the means of §3585(b) and that the Court's prior decision leads to anomalous results." Justice Stevens also opined

that a significant period of time served on home incarceration under extreme conditions ensures the twin goals of just punishment and respect for the law.

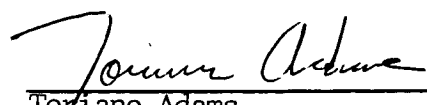
Mr. Adams attests that no part of his Judgment, Orders, or Record mention anything about Mr. Adams receiving credit for his time spent on home "incarceration." Thus, America would view this as a critical oversight that may be corrected by a Motion under Rule 60(a) - "correction based on oversight."

Mr. Adams is seeking credit for time spent on home incarceration, pursuant to Court Order, from 06/24/19 till 11/30/21, when Mr. Adams was relieved of said Order and committed to BOP custody. Mr. Adams expresses that not getting credit for said time is a serious and significant restraint on his Liberty, and will keep him incarcerated longer than expected, equating to a misunderstanding among the parties involved.

Mr. Adams prays that this Honorable Court correct the Judgment and Orders as an oversight, to reflect credit for time he served from 06/24/19 to 11/30/21 on home incarceration under extreme conditions pursuant to a Court Order.

Respectfully Submitted,

Date: 6/28/22



Toriano Adams
FCI Milan
P.O. box 1000
Milan, MI. 48160

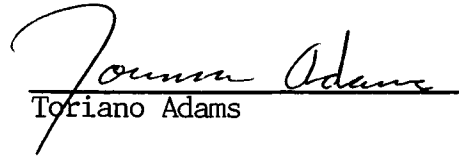
Attachments:

- A) Order setting conditions of release.
- B) Sentence Monitoring Computation Data (showing time credits applied).
- C) Mr. Adams' accomplishments since incarceration in BOP custody.

CERTIFICATE OF SERVICE

I, Toriano Adams, declare under penalty of perjury that I filed the foregoing motion by placing it in the Institutional Mail system, pre-paid USPS First-Class, on the 28 day of June, 2022, addressed to the following recipient:

Clerk of the Court
U.S. District Court
Eastern District of Michigan
231 West Lafayette Boulevard
Detroit, Michigan 48226


Toriano Adams

UNITED STATES DISTRICT COURT

for the
Eastern District of Michigan

United States of America

v.

Toriano Adams

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Case No. 18-20641-01

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at *(if blank, to be notified)* :

Theodore Levin U.S. Courthouse, Room 114, 231 West Lafayette Boulevard, Detroit, MI 48226
Place

on to be determined

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☒ (6) The defendant is placed in the custody of Angelica Adams
(See separate Agreement to Assume Custody of the Defendant).
- ☒ (7) The defendant must:
- ☒ (a) report, as directed, to:
 - ☒ Pretrial Services.
 - ☐ Probation Department.
 - ☒ (b) continue or actively seek employment.
 - ☐ (c) continue or start an education program.
 - ☐ (d) agree not to apply for or enter into any loan or other credit transaction without the previous written permission of the pretrial services office or supervising officer.
 - ☒ (e) surrender any passport to: Pretrial Services as directed
 - ☒ (f) not obtain a passport or other international travel documents.
 - ☒ (g) abide by the following restrictions on personal association, place of abode, or travel:
 - ☒ Travel restricted to the Eastern District of Michigan;
 - ☐ Travel restricted to the State of Michigan;
 - ☐ Travel restricted to: _____
unless I have the previous consent of the pretrial services office, supervising officer or the court.
 - ☒ (h) avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution, including but not limited to:
 - ☐ List to be provided by U.S. Attorney;
 - ☒ Other persons: co-defendants
 - ☐ (i) get medical or psychiatric treatment.
 - ☐ (j) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____
 - ☐ (k) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - ☒ (l) not possess a firearm, destructive device, or other dangerous weapons.
remove all firearms from residence and provide verification to PSA within 72-hrs of release
 - ☐ (m) not use alcohol:
 - ☐ at all.
 - ☐ excessively.

- ☐ (n) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ☐ (o) submit to any testing required by the pretrial services office or supervising officer to determine whether the defendant is using a prohibited substance. Testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct or attempt to obstruct or tamper with the efficiency and accuracy of any prohibited substance screening or testing. _____
- ☐ (p) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ☒ (q) participate in one of the following location restriction programs and comply with requirements as directed: _____
- ☐ (i) **Curfew.** You are restricted to your residence every day:
☐ from _____ to _____, or
☐ as directed by the pretrial services office or supervising officer; or
- ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or
- ☒ ~~(r) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.~~
- ☒ You must pay all or part of the cost of the programs based upon your ability to pay as the pretrial services office or supervising officer determines:
- ☐ (i) Location monitoring technology as directed by the pretrial services office or supervising officer;
- ☐ (ii) Radio Frequency (RF) monitoring;
- ☐ (iii) Passive Global Positioning Satellite (GPS) monitoring;
- ☒ (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);
- ☐ (v) Voice Recognition monitoring.
- ☐ (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning or traffic stops.
- ☒ (t) reside at bond address with third-party custodian
~~may leave for employment purposes as approved by Pretrial Services~~
Clear warrants within 90 days of release on bond
All internet capable devices in residence must be password protected; defendant is
permitted use of the internet in the direct and continuous presence of the third-party
custodian only.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

City and State

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: June 24, 2019

s/David R. Grand
Judicial Officer's Signature

David R. Grand, U.S. Magistrate Judge
Printed name and title

MILCP 540*23 *
PAGE 002 *

SENTENCE MONITORING
COMPUTATION DATA,
AS OF 12-16-2021

* 12-16-2021
* 09:35:44

Page 1-2

REGNO.: 25128-111 NAME: ADAMS, TORIANO

-----CURRENT OBLIGATION NO: 020 -----
OFFENSE CODE....: 160 18:1028 FRAUD IDENTITY THEFT
OFF/CHG: 18:1028A(A) (1) AGGRAVATED IDENTITY THEFT CT 17 - 23

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 24 MONTHS
TERM OF SUPERVISION.....: 1 YEARS
DATE OF OFFENSE.....: 09-11-2017

-----CURRENT COMPUTATION NO: 010 -----
COMPUTATION 010 WAS LAST UPDATED ON 12-01-2021 AT DSC AUTOMATICALLY
THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010, 010 020

~~DATE COMPUTATION BEGAN~~.....: 11-30-2021\
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA
TOTAL TERM IN EFFECT.....: 84 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 7 YEARS
AGGREGATED TERM OF SUPERVISION...: 3 YEARS
EARLIEST DATE OF OFFENSE.....: 09-11-2017

~~PRIL CREDIT~~.....: FROM DATE THRU DATE
12-09-2017 12-11-2017
09-27-2018 06-24-2019

~~TOTAL PRIOR CREDIT TIME~~.....: 204
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 378
TOTAL GCT EARNED.....: 0
STATUTORY RELEASE DATE PROJECTED: 02-16-2027
ELDERLY OFFENDER TWO THIRDS DATE: 10-30-2025
EXPIRATION FULL TERM DATE.....: 02-29-2028
~~TIME SERVED~~.....: 10 MONTHS 10 DAYS
PERCENTAGE OF FULL TERM SERVED...: 11.3
PERCENT OF STATUTORY TERM SERVED: 13.3

G0002 MORE PAGES TO FOLLOW . . .

2-2

MILCP 540*23 *
PAGE 003 OF 003 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 12-16-2021

* 12-16-2021
* 09:35:44

REGNO.: 25128-111 NAME: ADAMS, TORIANO

PROJECTED SATISFACTION DATE.....: 02-16-2027
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: V/S MIL ON 11-30-2021

S0055 ;NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE ;

MILCP 606.00 *

MALE CUSTODY CLASSIFICATION FORM

06-15-2022

PAGE 001 OF 001

13:27:10

(A) IDENTIFYING DATA

REG NO.: 25128-111

FORM DATE: 05-14-2022

ORG: MIL

NAME....: ADAMS, TORIANO

MGTV: NONE

PUB SFTY: NONE

MVED:

(B) BASE SCORING

DETAINER: (0) NONE

SEVERITY.....: (3) MODERATE

MOS REL.: 57

CRIM HIST SCORE: (02) 2 POINTS

ESCAPES.: (0) NONE

VIOLENCE.....: (0) NONE

VOL SURR: (3) VOL SURR

AGE CATEGORY...: (2) 36 THROUGH 54

EDUC LEV: (0) VERFD HS DEGREE/GED DRUG/ALC ABUSE.: (1) <5 YEARS

(C) CUSTODY SCORING

TIME SERVED.....: (3) 0-25%

PROG PARTICIPAT: (2) GOOD

LIVING SKILLS...: (2) GOOD

TYPE DISCIP RPT: (5) NONE

FREQ DISCIP RPT.: (3) NONE

FAMILY/COMMUN...: (4) GOOD

--- LEVEL AND CUSTODY SUMMARY ---

BASE	CUST	VARIANCE	SEC	TOTAL	SCORED	LEV	MGMT	CUSTODY	CONSTRAINT
+5	+19	-3	+2	MINIMUM	N/A	OUT	DECREASE		

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

FSA Recidivism Risk Assessment (PATTERN 01.03.00)

Register Number: 25128-111, Last Name: ADAMS

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Register Number: 25128-111

Inmate Name

Last.....: ADAMS

First.....: TORIANO

Middle.....:

Suffix.....:

Gender.....: MALE

Risk Level Inmate.....: R-LW

General Level.....: R-LW (15)

Violent Level.....: R-LW (9)

~~Security Level Inmate: MINIMUM~~~~Security Level Inmate: MINIMUM~~

Responsible Facility.: MIL

~~State Incarceration.: 11/30/2021~~

PATTERN Worksheet Summary

Item	- Value	- General Score	- Violent Score
Current Age	36	21	12
Walsh w/Conviction	FALSE	0	0
Violent Offense (PATTERN)	FALSE	0	0
Criminal History Points	2	8	3
History of Escapes	0	0	0
History of Violence	0	0	0
Education Score	HighSchoolDegreeOrGED	-2	-2
Drug Program Status	NoDAPCompletion	0	0
All Incident Reports (120 Months)	0	0	0
Serious Incident Reports (120 Months)	0	0	0
Time Since Last Incident Report	N/A	0	0
Time Since Last Serious Incident Report	N/A	0	0
FRP Refuse	FALSE	0	0
Programs Completed	11	-12	-4
Work Programs	0	0	0
	Total	15	9

MILCP *
PAGE 001 OF 001 *

INM...
TRANSCRIPT

* 06-14-2022
* 15:39:43

REGISTER NO: 25128-111
FORMAT.....: TRANSCRIPT

NAME...: ADAMS
RSP OF: MIL-MILAN FCI

FUNC: PRT

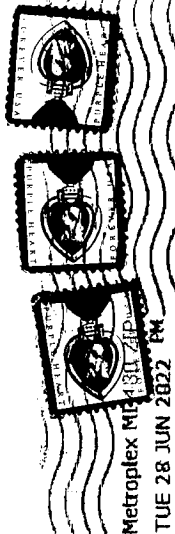
FACL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME
MIL ESL HAS ENGLISH PROFICIENT 12-06-2021 1554 CURRENT
MIL GED HAS COMPLETED GED OR HS DIPLOMA 12-06-2021 1555 CURRENT

SUB-FACL DESCRIPTION START DATE STOP DATE EVNT AC LV HRS
MIL CAD M LOST ART OF COOKING (IS) 04-19-2022 CURRENT
MIL CAD M UNDERSTANDING INVESTMENTS (IS) 04-19-2022 05-12-2022 P C P 12
MIL CAD M SCIENCE OF ENERGY (IS) 04-19-2022 05-12-2022 P C P 12
MIL CAD M SCIENCE NATURAL HEAL (IS) 04-19-2022 05-12-2022 P C P 12
MIL CAD M THE ADDICTIVE BRAIN (IS) 04-19-2022 05-02-2022 P C P 6
MIL CAD M SUPERSTAR STUDENT (IS) 04-19-2022 05-02-2022 P C P 6
MIL CAD M SOUTH AMERICA (IS) 04-22-2022 05-02-2022 P C P 12
MIL CAD M AUGUSTINE (IS) 04-19-2022 05-02-2022 P C P 6
MIL CAD M THINK LIKE ECONOMIST (IS) 04-19-2022 04-22-2022 P C P 6
MIL CAD M STRESS AND YOUR BODY (IS) 04-19-2022 04-22-2022 P C P 12
MIL CAD M OUR NIGHT SKY (IS) 04-19-2022 04-22-2022 P C P 6
MIL CAD M EXPERIENCING HUBBLE (IS) 04-19-2022 04-22-2022 P C P 6
MIL RPPI WEIGHT MANAGEMENT PROGRAM 12-30-2021 02-22-2022 P C F 0

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Torino Ad
PCI Milan
Federal Correctional Institution
P.O. Box 1000
Milan MI, 48160

RECEIVED
JUN 28 2022
CLERK'S OFFICE
U.S. DISTRICT COURT



6-28-2022
Clerk of the Court
U.S. District Court
Eastern District of Michigan
231 West Lafayette Boulevard
Detroit, Michigan 48226

U.S. MARSHAL